



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.12543 of 2019

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Daniel

... Petitioner

Vs.

1. The District Collector,
Collector Office, Sivagangai - 630 562.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai - 630 562.
3. The Assistant Director,
Geology and Mining Department,
Sivagangai - 630 562.
4. The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release the TVS XL Two wheelers of the petitioner's vehicles bearing Registration Numbers : TN 63 E 4755 and TN 63 E 5893 from the custody of the fourth respondent on 19.05.2019, on the basis of the petitioner's representation dated 20.05.2019 and subsequently representation dated 28.05.2019.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Rajaraman, Government Advocate

ORDER

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner's vehicles were seized in connection with illegal transportation of sand. The enquiry in this regard is still pending. The learned counsel for the petitioners affirms before this Court that the petitioner's vehicles were not involved in any previous incident of sand theft or illegal transportation of sand.

3. The submission of the learned counsel for the petitioner is placed on record. If this submission turns out to be false, the order now passed by this Court would stand automatically recalled and the petitioner will be visited with serious consequences. I am



of the view that no purpose will be served by keeping the vehicles in the custody of the respondents. If the vehicles are kept in open space and exposed to sun light and rain, it would lose its value. Therefore, the respondents are directed to release the said vehicles subject to the following conditions :

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- a) The petitioner shall execute an affidavit of undertaking that he shall not involve in any offence in future that may lead to the seizure of the vehicles in question. The petitioner shall not alienate or encumber the vehicles in question till the proceedings are completed.
 - b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicles.
 - c) This order for release of the vehicles can be pressed into service by the petitioner only if the vehicles are not in the custody of the criminal Court. If the vehicles are in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicles, by filing necessary application in the manner known to law.
 - d) As and when the respondents call for the vehicles for enquiry, the petitioner has to produce the vehicles in question and he shall cooperate with the enquiry to be conducted by the respondents.

4. Upon completion of these formalities, the respondents shall release the vehicles forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicles in future. This writ petition is allowed on these terms. No costs.

sd/
Assistant Registrar/
vacation Officer(crl.side)

/True Copy/

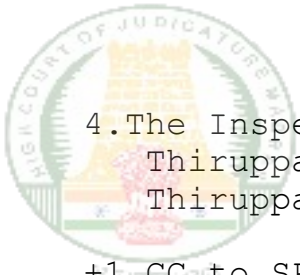
Sub Assistant Registrar

To

1. The District Collector,
Collector Office, Sivagangai - 630 562.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai - 630 562.

3. The Assistant Director,
Geology and Mining Department,
Sivagangai - 630 562.



4.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi.

+1 CC to SPL GP (SR-66471[F] dated 30/05/2019)

+2 CC to Mr.R.KARUNANIDHI, Advocate (SR-66579[F] dated 30/05/2019)

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MK (03.06.2019) 3P 8C